

REMARKS

This is in response to the Office Action dated October 22, 2003. Claims 15-31 are pending.

Claims 15-31 stand rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Percival in view of Sato (US 6,532,307). This Section 103(a) rejection is respectfully traversed for at least the following reasons (in addition to the substance of the rejection lacking merit).

Sato is not prior art. In particular, Sato was filed with the USPTO on July 28, 1999, well after the claimed priority date October 21, 1998 of the instant application. The certified copy of the priority document that has already been filed in this case is in English. Thus, it can be seen that the instant claimed inventions pre-date Sato. Sato cannot be used as prior art, and the Section 103 rejection must be withdrawn.

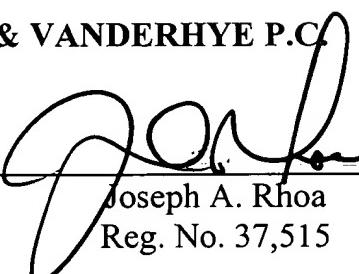
In the final rejection, the Examiner states that Sato was filed in Japan (its foreign priority date) on July 28, 1998. However, the Examiner cannot rely on the Japanese priority date of Sato to make a rejection. In particular, 35 U.S.C. 102(e) is very clear in that the only date the Examiner can rely on is Sato's U.S. filing date (the foreign priority date of Sato is irrelevant and cannot be used by the Examiner). Again, it is clear that Sato is not prior art and cannot be used to reject the pending claims.

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

LARSSON et al
Appl. No. 09/418,323
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Respectfully submitted,

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